

Deadline for salary payment in an Employment Contract - can it be later than the 10th day of the month?

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Introduction

Establishing the payment date for wages is an important element of any employment contract. Many employers and employees wonder whether it is legally possible to set the payment date in the contract for a date later than the 10th day of the month. The answer is clearly regulated by the Labor Code.

Legal Basis

According to **Article 85 § 1 and 2 of the Labor Code**:

- Wages for work should be paid **at least once a month**.
- The payment should occur **on a fixed and predetermined date**.
- If wages are paid once a month, this must occur **no later than the 10th day of the calendar month** following the month for which the wages are due.

Can a different date be set in the contract?

☐ **Yes:**

- A date **earlier** than the 10th day of the month can be set (e.g., the 1st, 5th, or 8th day of the month).
- It can be specified that the wages will be paid **“by the 10th day of the month”** – this is compliant with regulations.

❑ No:

- A payment date **after the 10th day of the month** cannot be set, e.g., on the 15th or 20th day of the month.
- Such a provision **is contrary to the Labor Code** and by law is **invalid** (Article 18 § 2 of the Labor Code). The statutory provision takes its place.

Consequences of Setting an Incorrect Date

- The employee may claim payment no later than the 10th day of the month – regardless of the provision in the contract.
- The employer risks **inspections by the National Labor Inspectorate** and a **fine** ranging from 1,000 zł to 30,000 zł (Article 282 § 1 item 1 of the Labor Code).
- Delay may also result in civil liability for the delay in paying wages.

Practical Example of Correct Provisions

❑ Correct:

“Wages will be paid by the 5th day of each calendar month following the month worked.”

❑ Incorrect:

“Wages will be paid on the 20th day of the calendar month.”

Summary

Setting a wage payment date **after the 10th day of the month is unacceptable** and contrary to the provisions of the Labor Code. Employers should ensure that the contract provisions comply with the law to avoid the risk of sanctions and claims from the employee.

